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RCE/1700
PTO/SB/30 (08-03)
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
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Commissioner for Patents
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Alexandria, VA 22313-1450

| | |
|------------------------|--------------------|
| Application Number | 09/927,428 |
| Filing Date | 08/09/2001 |
| First Named Inventor | Wenbing Yun |
| Art Unit | 1765 |
| Examiner Name | Deo, Duy Vu Nguyen |
| Attorney Docket Number | LBL-IB-1498 |

RECEIVED
JAN 29 2004
TC 1700

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other PETITION FOR EXTENSION OF TIME

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 385 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|---------------------|------------------|-------------------------------------|-----------|
| Name (Print / Type) | John P. O'Banion | Registration No. (Attorney / Agent) | 33,201 |
| Signature | | Date | 1/21/2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

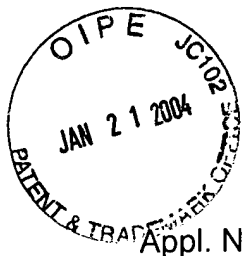
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|---------------------|--|------|--|
| Name (Print / Type) | | | |
| Signature | | Date | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/927,428 Confirmation No.: 6387
Applicant : YUN, WENBING ET AL.
Title : METHOD FOR NANOMACHINING HIGH ASPECT RATIO
STRUCTURES
Filed : 08/09/2001
TC/A.U. : 1765
Examiner : DEO, DUY VU NGUYEN
Docket No. : LBL-IB-1498
Cust. No. : 8156

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

CERTIFICATION UNDER 37 CFR 1.10


I hereby certify that the enclosed:


1. Petition for Extension of Time (1 page)
2. Request for Continued Examination Transmittal (1 page)
3. Amendment Transmittal Letter (1 page)
4. Amendment (54 pages)
5. Check for \$475 Extension Fee (for Item 1)
6. Check for \$385 Filing Fee (for Item 2)
7. Check for \$602 Claim Fee (for Item 3)

are being deposited with the United States Postal Service on 21 JANUARY 2004
in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number
EV352304164US addressed to the: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

JOHN P. O'BANION

(Type or print name of person mailing paper)


(Signature of person mailing paper)

| | | | | | |
|--|-------------------------------------|---------------------------------------|---|----------------------------------|-------------------|
| AMENDMENT TRANSMITTAL LETTER (Small Entity) | | | | Docket No. LBL-IB-1498 | |
| Applicant(s): WENBING YUN ET AL. | | | | | |
| Serial No. 09/927,428 | Filing Date 08/09/20001 | Examiner DEO, DUY VU NGUYEN | Group Art Unit JAN 29 2004 | | |
| <div style="float: right; text-align: right;"> RECEIVED JAN 29 2004 TC 1700 </div> <div style="clear: both;"></div> | | | | | |
| Invention: METHOD FOR NANOMACHINING HIGH ASPECT RATIO STRUCTURES | | | | | |
| <u>TO THE COMMISSIONER FOR PATENTS:</u> | | | | | |
| Transmitted herewith is an amendment in the above-identified application. <input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. <input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed. | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 123 - | 80 = | 43 x | \$9.00 | \$387.00 |
| INDEP. CLAIMS | 8 - | 3 = | 5 x | \$43.00 | \$215.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$602.00 |
| <input type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input checked="" type="checkbox"/> A check in the amount of \$602.00 to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1137 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. | | | | | |
|  Signature | | | Dated: 1/21/2004 | | |
| John P. O'Banion, Reg. No. 33,201 O'BANION & RITCHEY LLP 400 Capitol Mall, Suite 1550 Sacramento, CA 95814 (916) 498-1010 | | | I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <div style="text-align: center;"> Signature of Person Mailing Correspondence Typed or Printed Name of Person Mailing Correspondence </div> | | |
| CC: | | | | | |